HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

MISC. APPEAL (C) NO. 305 of 2007

APPELLANTS

1. Smt Chaitibai, W/o Late Tek Ram Verma, Aged about 46 years

2. Komal Kumar S/o Late Tek Ram Verma, Aged about 23 years

3. Dharmendra Kumar S/o Late Tek Ram Verma, Aged about 20 years

All residents of Village - Thelki, Tehsil - Baloda bazaar, Dist : Raipur - (CG)

Versus

RESPONDENTS

1. Tijauram, S/o Krip Lal Sanu, Village & PO - Rohra, Police Station & Tahsil Bhatapara, Distt.Raipur - CG Through - Doulat Ram S/o Bhikhamal Panjwani Bhalbhadra Ward Bhatapara,

2. Doulat Ram Panjwani S/o Bhikhamal Panjwani Bhalbhadra Ward Bhatapara (Registered owner of offending Vehicle)

3. Divisional Manager, The Oriental Insurance Company In front of High Court, Bilaspur (CG)

Present : Shri AS Rajput, counsel for the appellants.
None for the respondents.

ORAL ORDER

(Passed on 13th March, 2007)

The following oral order of the Court was passed by

Vijay Kumar Shrivastava, J.

This is an appeal filed under Section 173 of the Motor Vehicle Act 1988 (henceforth "the Act") for enhancement of compensation against the award dated 28.11.2006, passed by the First Additional Motor Accident Claim Tribunal, Baloda Bazar, Dist-Raipur (henceforth "the Tribunal") in claim case No.17/2006, whereby compensation of Rs.2,08,000/- has been awarded in favour of the appellants.

2) On 04.10.2005 at about 9 am in the morning Tek Ram (since deceased was coming by riding cycle towards his village. On way, respondent No.1 driving the vehicle bearing C.G.No. 10- A-7345 (for short, "the vehicle") in a rash and negligent manner dashed the deceased. Deceased sustained injuries and succumbed to those. Appellants who are wife and sons of the deceased filed an application under Section 166 of the Act for grant of compensation against the respondents, who are driver, owner and insurer of the vehicle. Respondents contested the claim.

3) The Tribunal on enquiry allowed the application and awarded compensation as below:

1)	Loss of dependency	Rs. 1,98,000/-
2)	Consortium and funeral	Rs. 10,000/-
	Total	Rs. 2,08,000/-

4) Heard learned counsel for the appellants. Learned counsel for the appellants contended that Learned Tribunal did not appreciate the evidence correctly in holding income of the deceased and amount awarded is on the lower side towards other heads.

5) We have gone through the award. No legal evidence to establish the income of the deceased has been adduced. However, the Tribunal allowed monthly income as Rs.2,100/-. Deceased was aged 55 years, therefore, after deducting Rs.600/- towards his own expenses, recorded annual loss of dependency Rs.18,000/- and applying multiplier of 11 assessed loss of dependency. In accordance with Schedule, of the Act, Rs.2000/- towards funeral expenses, Rs.5000/- towards consortium and Rs.2,500/- towards loss of estate are admissible, however, the Tribunal allowed lump sum Rs.10,000/-.

6) In view of the above, we do not find any illegality committed by the Tribunal in recording findings of fact which calls for interference by this Court. Therefore, the appeal is liable to be dismissed, and is accordingly dismissed.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge